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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0041971

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7775

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.
authorizes

Ocean Gold Seafoods, Inc.
(formerly Merino's Seafood, Inc.)
P.O. Box 1104
Westport, WA 98595-1104

Facility Location:
1804 Nyhus Street
Westport, Washington

Receiving Water:
Grays Harbor

Water Body I.D. No.:
WA-10-22-03

Discharge Location:
Latitude: 46° 54' 22" N
Longitude: 124° 06' 27" W

Industry Type:
Fish and Shellfish Processing

to discharge wastewater in accordance with the special and general conditions that follow.

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	August 15, 2000
S4.A	Operations and Maintenance Manual	1/permit cycle	October 1, 2000
S5.	Solid Waste Control Plan	1/permit cycle	October 1, 2000
S5.	Modification to Solid Waste Plan	As necessary	October 1, 2000
S9.A	Acute Toxicity Characterization Data	1/permit cycle	March 1, 2001
S6.A	Acute Toxicity Tests Characterization	1/permit cycle	April 1, 2002
S6.C	Acute Toxicity Compliance Monitoring Reports	Quarterly	September 30, 2001
S6.D	Acute Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S6.D	Acute Toxicity TI/TRE Plan	As necessary	
S7.A	Chronic Toxicity Characterization Data	1 permit cycle	March 1, 2001
S7.A	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	April 1, 2002
S7.C	Chronic Toxicity Compliance Monitoring Reports	Quarterly	September 30, 2001
S7.D	Chronic Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S7.D	Chronic Toxicity TI/TRE Plan	As necessary	
G1.	Notice of Change in Authorization	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	January 1, 2005

Modification Date: _____
Removed S6.E and S7.E submittals

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

Process Wastewater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge seafood processing wastewater at the permitted location subject to meeting the following limitations:

	EFFLUENT LIMITATIONS: OUTFALL #001	
Parameter	Average Monthly^a	Maximum Daily^b
pH ^c S.U.	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
40 CFR 408.85, Subpart H, Dungeness and Tanner Crab Processing in the Contiguous States Subcategory BOD ₅ lbs./1000 lbs. Seafood Received	4.1	10
40 CFR 408.85, Subpart H, Dungeness and Tanner Crab Processing in the Contiguous States Subcategory TSS, lbs./1000 lbs. Seafood Received	0.69	1.7
40 CFR 408.85, Subpart H, Dungeness and Tanner Crab Processing in the Contiguous States Subcategory O & G lbs./1000 lbs. Seafood Received	0.10	0.25
40 CFR 408.145, Subpart N, Tuna Processing Subcategory BOD ₅ lbs./1000 lbs. Seafood Received	8.1	20
40 CFR 408.145, Subpart N, Tuna Processing Subcategory TSS, lbs./1000 lbs. Seafood Received	3.0	7.5
40 CFR 408.145, Subpart N, Tuna Processing Subcategory O & G lbs./1000 lbs. Seafood Received	0.76	1.9
40 CFR 408.185, Subpart R, West Coast Hand-Butchered Salmon Subcategory BOD ₅ lbs./1000 lbs. Seafood Received	1.7	2.7

	EFFLUENT LIMITATIONS: OUTFALL #001	
Parameter	Average Monthly^a	Maximum Daily^b
40 CFR 408.185, Subpart R, West Coast Hand-Butchered Salmon Subcategory TSS, lbs./1000 lbs. Seafood Received	0.42	0.70
40 CFR 408.185, Subpart R, West Coast Hand-Butchered Salmon Subcategory O & G lbs./1000 lbs. Seafood Received	0.026	0.045
40 CFR 408.215, Subpart U, Non-Alaskan Conventional Bottom Fish Processing Subcategory BOD ₅ , lbs./1000 lbs. Seafood Received	0.71	1.2
40 CFR 408.215, Subpart U, Non-Alaskan Conventional Bottom Fish Processing Subcategory TSS, lbs./1000 lbs. Seafood Received	0.73	1.5
40 CFR 408.215, Subpart U, Non-Alaskan Conventional Bottom Fish Processing Subcategory O & G lbs./1000 lbs. Seafood Received	0.042	0.077
40 CFR 408.225, Subpart V, Non-Alaskan Mechanized Bottom Fish Processing Subcategory BOD ₅ lbs./1000 lbs. Seafood Received	7.5	13
40 CFR 408.225, Subpart V, Non-Alaskan Mechanized Bottom Fish Processing Subcategory TSS, lbs./1000 lbs. Seafood Received	2.9	5.3
40 CFR 408.225, Subpart V, Non-Alaskan Mechanized Bottom Fish Processing Subcategory O & G lbs./1000 lbs. Seafood Received	0.47	1.2
Fecal Coliform Bacteria ^c Colonies/100 ml	200	400
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.		
^c 10% of all samples used in calculating the geometric mean		

Modification Date: May 30, 2003
Changed Fecal Coliform Bacteria limitations

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Effluent	Flow	GPD	Municipal Meter	Monthly	Meter
Wastewater Effluent	BOD ₅	mg/l	Sampling Point	Monthly	24-Hour Composite
Wastewater Effluent	TSS	mg/l	Sampling Point	Monthly	24-Hour Composite
Wastewater Effluent	O & G	mg/l	Sampling Point	Monthly	Grab
Wastewater Effluent	pH	Standard Units	Sampling Point	Monthly	Grab
Wastewater Effluent	Fecal Coliform	No./100 ml	Sampling Point	Monthly	Grab
Product	Production	Lbs.	Records	Monthly	Records

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in the permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration

shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be postmarked or received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775.

All lab reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), lab practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem, and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within 30 days after becoming aware of the violation;
2. Immediately notify the Department of the failure to comply; and
3. Submit a detailed written report to the Department within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Reporting – Shellfish Protection

Unauthorized discharges such as collection system overflows, plant bypasses, or failure of the disinfection system, shall be reported immediately to the Department of Ecology and the Department of Health, Shellfish Program. The Department of Health's 24-hour number is (360) 753-5992. The Department of Ecology's Southwest Regional Office's 24-hour number is (360) 407-6300.

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operation and Maintenance Manual

The Operations and Maintenance procedure obtained from the Permittee is acceptable.

B. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass – Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department in accordance with condition S3.E “Noncompliance Notification.”

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions – Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) if a water quality criteria exceedance is unavoidable, a request for modification of water quality standards as provided for in WAC 173-201A-110; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.

- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

- 3. Bypass For Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions – Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit a solid waste control plan to the Department no later than October 1, 2000. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal 180 days prior to the expiration date of the permit.

S6. ACUTE TOXICITY TESTING

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent from Outfall to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted quarterly for one year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50 percent of the organisms (LC_{50}). The percent survival in 100 percent effluent shall also be reported.

Testing shall begin on or before January 1, 2001. A written report shall be submitted to the Department within 60 days after the sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

Topsmelt or	<i>Atherinops affinis</i> or <i>Menidia</i>	EPA/600/R-95/136 or
Silverside minnow	<i>beryllina</i>	EPA/600/4-91/003

The Permittee shall use the West Coast fish (topsmelt, *Atherinops affinis*) for toxicity testing unless the lab cannot obtain a sufficient quantity of a West Coast species in good condition, in which case the East Coast fish (silverside minnow, *Menidia beryllina*) may be substituted.

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

1. The median survival of any species in 100 percent effluent is below 80 percent.
2. Any one test of any species exhibits less than 65 percent survival in 100 percent effluent.

If an effluent limit for acute toxicity is required by subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall complete all applicable requirements in subsections E and F.

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D, are being met to the satisfaction of the Department.

The ACEC means 100 percent effluent.

If the Permittee has an effluent limit for acute toxicity and the ACEC is not known, then effluent characterization for acute toxicity shall continue until the time an ACEC is known. Effluent characterization shall be continued until an ACEC has been determined and shall be performed using each one of the tests listed in subsection A on a rotating basis. When an ACEC has been determined, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall stop effluent characterization and begin to conduct the activities in subsection E even if the ACEC is unknown.

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using each of the species listed in subsection A on a rotating basis and performed using at a minimum 100 percent effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100 percent effluent shall be reported for all compliance monitoring.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the hypothesis test shall be conducted at the 0.01 level of significance.

D. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. For intermittent discharges, testing shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall determine the LC₅₀ and effluent limit compliance. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

Modification Date: _____

Removed "Monitoring When There Is No Permit Limit for Acute Toxicity"

2. Testing shall be conducted on 24-hour composite effluent samples or grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible, but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S7. CHRONIC TOXICITY TESTING

A. Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent from Outfall 004. The two chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Testing shall begin on or before January 1, 2001. A written report shall be submitted to the Department within 60 days after the sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Effluent testing for chronic toxicity shall be conducted quarterly for one year or until an acute critical effluent concentration (ACEC) is determined, if that determination takes longer than one year (see S.10B Effluent Limit for Acute Toxicity for a definition of the ACEC). The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. The chronic no observed effects concentration (NOEC) will also be determined for comparison to the ACEC when the ACEC is known. If the ACEC is determined before the one year of characterization is over, the Permittee shall include the ACEC in the concentration series of all subsequent tests and compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001. If the ACEC is unknown at the end of one year of effluent characterization, the Permittee shall continue the effluent characterization until an ACEC has been determined. Toxicity testing conducted during an effluent characterization extended past one year until an ACEC has been determined, shall be performed using each one of the tests listed in subsection A on a rotating basis.

Chronic toxicity tests shall be conducted with the following two species and the most recent version of the following protocols:

Topsmelt or Silverside minnow	<i>Atherinops affinis</i> or <i>Menidia beryllina</i>	EPA/600/R-95/136 or EPA/600/4-91/003
Pacific oyster/ Mussel	<i>Crassostrea gigas</i> / <i>Mytilus sp.</i>	EPA/600/R-95/136

The Permittee shall use the West Coast fish (topsmelt, *Atherinops affinis*) for toxicity testing unless the lab cannot obtain a sufficient quantity of a West Coast species in good condition in which case the East Coast fish (silverside minnow, *Menidia beryllina*) may be substituted.

The Pacific oyster and mussel tests shall be run in accordance with EPA/600/R-95/136 and the bivalve development test conditions in the Department of Ecology Publication #WA-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof. The laboratory shall use whichever one of the two species that will give a valid result in each particular test.

B. Effluent Limit

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted under subsection A results in an NOEC less than the ACEC, or if any test shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001). The Permittee shall complete all applicable requirements in subsections C, D, and F upon determining that an effluent limit for chronic toxicity applies to the discharge.

If no test resulted in a NOEC less than the ACEC or if no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only subsections E and F apply.

The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).

The CCEC means 100 percent effluent.

C. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis and performed using at a minimum the CCEC, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee shall immediately implement subsection D if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection C determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. For intermittent discharges, testing shall be conducted on the next three discharge events using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection C. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee

shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples or grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

Modification Date: _____

Removed "Monitoring when There Is No Permit Limit for Chronic Toxicity"

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39 percent as defined in WAS 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

S8. SCHEDULE OF COMPLIANCE

Install a composite sampler on or before January 1, 2001.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

G2. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

- B. To have access to and copy at reasonable times any records that must be kept under the terms of this permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A Copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee to the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify and revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-335 WAC are not paid.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.